

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

1	In re)	Bankruptcy Case No. BK-S- 06-10725-LBR
)	
2	USA COMMERCIAL MORTGAGE)	
	COMPANY,)	
3	<i>fka</i> USA Capital)	CERTIFICATE OF SERVICE
)	
4	Debtor)	
)	
5)	
)	

I, John Hebert, declare under penalty of perjury that the following facts are true and correct:

I am a resident of the State of California and over the age of 18 years and not a party to or interested in the within entitled cause. I am an employee of Kirby & McGuinn, A P.C. . and my business address is 600 B Street., Suite 1950, San Diego, CA 92101. On January 29, 2007 I served the following document(s):

- 22 – **APPELANT’S DESIGNATION OF RECORD ON APPEAL**
- 23 – **APPELANT’S STATEMENT OF ISSUES ON APPEAL**
- 24 ■ MAIL: by placing a true copy(ies) thereof in a sealed envelope(s) in the outgoing mail
- 25 tray located in my office for deposit in the United States mail, with postage fully prepaid,
- 26 addressed as per below. I am readily familiar with the business practice at my place of
- business for collection and processing of outgoing mail with the U.S. Postal Service that
- same day in the ordinary course of business.

27	THE DEBTORS:
28	USA Commercial Mortgage Company

1 USA Capital Realty Advisors, LLC
2 USA Capital Diversified Trust Fund, LLC
3 USA Capital First Trust Deed Fund, LLC
4 USA Securities, LLC

5 Represented by:

6 Annette W. Jarvis
7 Steven Strong
8 RAY QUINNEY & NEBEKER P.C.
9 36 South State Street, Suite 1400
10 PO Box 45385
11 Salt Lake City, Ut 84145-0385
12 801-532-1500

13 and by:

14 Lenard E. Schwartzer
15 Jeanette E. Mcpherson
16 SCHWARTZER & MCPHERSON LAW FIRM
17 2850 S. Jones Boulevard, Suite 1
18 Las Vegas, NV 89146
19 Telephone: 702-228-7590

20 ☐ UNITED STATES DEPARTMENT OF JUSTICE
21 Sara L. Kistler, Acting U.S. Trustee, Region 17

22 Represented by:

23 August B. Landis, Assistant United States Trustee
24 Office of the United States Trustee
25 300 Las Vegas Boulevard, So., Suite 4300
26 Las Vegas, Nevada 89101
27 Telephone: (702) 388-6600

28 ☐ OFFICIAL COMMITTEE OF UNSECURED CREDITORS
OF USA COMMERCIAL MORTGAGE COMPANY

Represented by:

Susan M. Freeman
Rob Charles
LEWIS AND ROCA, LLP
3993 Howard Hughes Parkway, Ste 600
Las Vegas, NV 89109
Telephone: 702-949-8320

☐ OFFICIAL COMMITTEE OF HOLDERS OF EXECUTORY
CONTRACT RIGHTS OF USA COMMERCIAL MORTGAGE COMPANY

Represented by:

Gerald M. Gordon
Gregory E. Garman
GORDON & SILVER, LTD.

3960 Howard Hughes Pky 9th Flr
Las Vegas, NV 89109
(702) 796-5555

☐ OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

Represented by:

Marc A. Levinson
Jeffery Hermann
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capital Mall, Suite 3000
Sacramento, CA 95814
(916) 329-7921

and by:

Bob L. Olson
Anne M. Loraditch
BECKLEY SINGLETON, CHTD.
530 Las Vegas Blvd., So.
Las Vegas, NV 89101
Telephone: (702) 385-3373

☐ OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
OF USA CAPITAL FIRST TRUST DEED FUND LLC

Represented by:

Frank A. Merola
Eve Karasik
Christine Pajak
STUTMAN TREISTER & GLATT, P.C.
1901 AVENUE OF THE STARS, 12TH FLR
LOS ANGELES, CA 90067
(310) 228-5600

and by:

Candace C. Carlyon
SHEA & CARLYON, LTD.
228 S 4th Street, First Floor
Las Vegas, NV 89101
(702) 471-7432

☐ THE "LENDERS PROTECTION GROUP"

Represented by:

Alan Smith
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
(775) 786-4579

1 ☐ PENSION BENEFIT GUARANTY CORPORATION

2 Represented by:

3 James L. Eggeman, Esq
4 Office of Chief Counsel
5 Pension Benefit Guaranty Corporation
6 1200 K Street, NW
7 Washington, DC 20005
8 (702) 388-6336

9 Frank A. Anderson, Esq.
10 Office of Chief Counsel
11 Pension Benefit Guaranty Corporation
12 1200 K Street, NW
13 Washington, DC 20005
14 (702) 388-6336

15 Erika E. Barnes, Esq., Esq.
16 Office of Chief Counsel
17 Pension Benefit Guaranty Corporation
18 1200 K Street, NW
19 Washington, DC 20005

20 Daniel G. Bogden, United States Attorney
21 Carlos A. Gonzales, Esq.
22 Office of the United States Attorney
23 333 Las Vegas Blvd. South, Suite 5000
24 Las Vegas, NV 89101
25 (702) 388-6336

26 ☐ THE ALEXANDER GROUP

27 Represented by:

28 Nancy Allf
29 PARSONS BEHLE & LATIMER
30 411 E Bonneville Ave, #100
31 Las Vegas, Nevada 89101
32 (702) 599-600

33 and by:

34 Robert Lepome
35 10120 S. Eastern Ave., #200
36 Henderson, NV 89052
37 (702) 492-1271

38 ☐ DR. GARY KANTOR, MRS. KANTOR
39 AND KANTOR NEPHROLOGY 401K PLAN

40 Represented by:

1 Michael Schmahl, Esq.
13191319 N. Wood Street, #3B
2 Chicago, Il. 60622
(773) 278-5223

3 and by:

4 Jeffrey G. Sloane, Esq.
5 KRAVITZ, SCHNITZER, SLOANE, JOHNSON & EBERHARDY
1389 Galleria Drive, Suite 200
6 Henderson, NV 89014
(702) 362-6666

7 ☐ JONES VARGAS DIRECT LENDERS

8 Represented by:

9 Janet Chubb
10 JONES VARGAS
100 W. Liberty St., 12th Floor
11 Reno, NV 89501
(775) 788-2205

12 ☐ COMPASS PARTNERS

13 Represented by:

14 George Davis
15 WEIL, GOTSHAL & MNGES
16 767 Fifth Avenue
New York, New York 10153
17 (212) 310-8000

18 and by:

19 Peter Bernard
20 BULLIVANT HOUSER BAILY
3980 Howard Hughes Parkway, Suite 550
Las Vegas, Nevada 89069
21 (702) 650-6565

22 ☐ SIERRA LIQUIDITY FUND

23 Represented by:

24 David Cohen
25 WARNER STEPHENS, LLP
301 Commerce Street, #1700
26 Fort Worth, TX 76102
(807) 810-5250

27 and by:

Michelle L. Abrams
MICHELLE L. ABRAMS, LTD.
3085 South Jones Blvd., Suite C
Las Vegas, NV 89146
(702) 369-3724

☐ GREGORY J. WALCH AND SHAUNA M. WALCH, TRUSTEES
OF THE GREGORY J. AND SHAUNA M. WALCH FAMILY TRUST

Represented by:

Gregory J. Walch
400 South Fourth Street, 3RD Floor
Las Vegas, Nevada 89101
(702) 791-0308

☐ USA COMMERCIAL REAL ESTATE GROUP

Represented by:

Jeffrey Sylvester
SYLVESTER & POLEDNAK, LTD
7371 Prairie Falcon, Suite 120
Las Vegas, NV 89128
(702) 952-5200

☐ COPPER SAGE COMMERCIAL CENTER
and BINFORD MEDICAL DEVELOPERS, LLC

Represented by:

Susan Scann
DEANER, DEANER, SCANN MALAN & LARSEN
720 South Fourth Street, Suite 300
Las Vegas, NV 89101
(702) 382-6911

☐ USA INVESTMENT PARTNERS, LLC,
JOSEPH MILANOWSKI and THOMAS HANTGES

Represented by:

Russell Walker
WOODBURY & KESLER, P. C.
265 East 100 South, Suite 300
Salt Lake City, Utah 84111
(801) 364-1100

and by:

1 Joseph Huggins
2 HUGGINS & ASSOCIATES
3 1000 N. Green Valley Parkway, Suite 440-2
4 Henderson, Nevada 89014
5 (702) 373-8664

6 ☐ STANDARD PROPERTY DEVELOPMENT

7 Represented by:

8 Andrew Brumby
9 SHUTTS & BOWEN LLP
10 PO Box 4956
11 Orlando, FL 32802-4956
12 Telephone: (407) 423-3200

13 and by:

14 R. Vaughn Gourley
15 STEPHENS, GOURLEY & BYWATER
16 3636 North Rancho Drive
17 Las Vegas, NV 89130
18 (702) 656-2355

19 ☐ LIBERTY BANK

20 Represented by:

21 Wade Gochmour
22 Aryn M. Fitzwater
23 HANEY, WOLOSON & MULLINS
24 1117 South Rancho Drive
25 Las Vegas, NV 89102
26 Telephone: (702) 474-7557

27 I declare under penalty of perjury under the laws of the United States that the foregoing is
28 true and correct.

Executed on January 29, 2007

/s/ John Hebert

John Hebert